

**HAZARDOUS AND NON-HAZARDOUS WASTE,
GARBAGE AND REFUSE**

CHAPTER 33.

**HAZARDOUS AND NON-HAZARDOUS WASTE,
GARBAGE AND REFUSE.**

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Article I. Mandatory Separation Program For Residential Premises.

Sec. 33-1. Collection program established.

There is hereby established a program for the separation by the resident and the separate collection of the following materials from the residences of the Town of Westfield for recycling purposes. Except for leaves, provisions for which are set forth hereafter, such collections shall be made twice-monthly under the supervision of the town engineer and such recyclable material shall be placed at the curbside in suitable containers for pickup by the Town of Westfield or its authorized agents. All materials shall be clean and uncontaminated.

- (1) Aluminum cans.
- (2) Glass containers.
- (3) Newspapers.
- (4) Leaves, but not prior to October 15 of each calendar year.
- (5) Corrugated cardboard.
- (6) Steel (ferrous) cans.
- (7) Polyethylene Teraphthalate (PETE or PET) bottles and High Density Polyethylene bottles (HDPE).
- (8) Mixed paper.
- (9) Used motor oil.
- (10) Roofing material.

It shall be unlawful for any resident of the Town of Westfield to dispose of any of the aforesaid materials for recycling, or leaves except by the methods provided herein for collecting and recycling such material by the Town of Westfield or a private person or organization. It shall be a violation of this article to include any of the aforesaid material, suitable for recycling, or leaves in the household waste collected by the private disposal services franchised by the State of New Jersey to collect waste from private residences within the Town of Westfield. (G.O. No. 1426, § I; G.O. No. 1471, § I; G.O. No. 1594, § I; G.O. No. 1793, § III; G.O. No. 1855, § III.)

Sec. 33-2. Regulations authorized.

The town engineer is hereby designated as the recycling coordinator and authorized and directed to establish and promulgate regulations as to the manner, days and times of such collections and the bundling, handling, location and time of placement of all materials for collection. (G.O. No. 1426, § II; G.O. No. 1471, § II; G.O. No. 1594, § II.)

Sec. 33-3. Separation of recyclable materials from household solid waste and preparation for recycling.

The materials described above shall be clean and unbroken and shall be kept separate from, and not mixed with, each other or with trash and household waste except as provided herein. Such materials shall be considered clean and uncontaminated if they have not been exposed to substances, or conditions, rendering them unusable for recycling. Recyclable materials shall be prepared for recycling as follows:

(1) *Aluminum cans.* Such cans must be all aluminum construction, empty, with the interior well rinsed with water and placed at the curb in a reusable container. They shall not be placed at the curb in plastic or paper bags.

(2) *Glass containers.* Such containers must be unbroken and empty, with the interior well rinsed with water, with any metal caps or rings removed and discarded. The labels need not be removed. Such glass containers are to be placed at the curb in a reusable container. They shall not be placed at the curb in a plastic or paper bag. No window glass, dishes, mirrors, Pyrex or crystal shall be included. In multi-family residences glass containers must be separated into clear, brown and green glass.

(3) *Newspapers.* Newspapers must be tied in bundles not more than twelve inches thick and be clean and dry. They shall be placed at the curb without containers. No paper bags, magazines, telephone books, junk mail, cardboard or glossy papers may be included.

(4) *Leaves.* Leaves shall be placed in windrows not exceeding two feet in height in the street along the curb or shoulder of the street. Plastic bags, tree branches and other debris must not be mixed with the leaves.

(5) *Corrugated cardboard.* Corrugated cardboard shall be flattened if in box form and compressed and tied in bundles not more than twelve inches thick and clean and dry. The bundles shall not be greater than three feet in any other direction. They shall be placed at the curb without containers. No paper bags, magazines, telephone books, junk mail, newspapers, or regular cardboard shall be included.

(6) *Steel cans (ferrous).* Such cans must be all steel construction, empty with the interior well rinsed with water and placed at the curb in a reusable container. They shall not be placed at the curb in plastic or paper bags. The labels need not be removed. No paint cans or spray cans shall be included.

(7) *Polyethylene terephthalate (PETE or PET) bottles and high-density polyethylene (HDPE) bottles.* Such bottles shall be labeled "PETE or PET" or "HDPE," empty, with the interior well rinsed with water and placed at the curb in a reusable container. Only plastic bottles that have contained pourable liquids such as milk, soda, or detergent will be accepted. No squeeze bottles, plastic containers that contain hazardous materials, food containers, packaging or plastic wrap shall be included. Acceptable materials shall have PET, PETE or HDPE mark or the number 1 or 2 in a triangle imprinted on the bottles on the bottom. Both materials may be placed in the same container. Any caps or metal rings must be removed and discarded. The labels need not be removed. They shall not be placed at the curb in a plastic or paper bag.

(8) *Mixed paper.* Includes magazines, direct mailing, glossy catalogs, coupon inserts, envelopes, color news inserts, sweepstakes forms, phone books (white page only), undelivered postal mail, colored notebook paper, school construction paper, real estate listings, colored letterhead paper, colored office paper, computer paper, photocopy and fax paper, mimeograph paper. Mixed papers must be tied in bundles not more than eight inches thick and be clean and dry. They shall be placed at the curb without containers. No newspapers may be included. Recycling of this material shall not begin until after January 1, 1993.

(9) *Used motor oil.* Motor oil drained from internal combustion gasoline or diesel engines or unused portions of unused motor oil. Disposal methods for this material shall be prescribed by regulation.

(10) *Roofing material*. Roofing materials includes asphalt roof shingles, tarpaper, fiberglass insulation associated with a roof system and all other asphalt material generated in roof construction, roof removal or roof reconstruction. Disposal methods of this material shall be prescribed by regulation.

(G.O. No. 1426, § III; G.O. No. 1471, § III; G.O. No. 1594, § III.)

Sec. 33-4. Ownership of recyclable materials.

From the time of placement at the curb by any resident of recyclable material for collection by the Town of Westfield, or its authorized agents, pursuant to the program established hereby and the rules and regulations issued hereunder, such materials shall become and be the property of the Town of Westfield and it shall be a violation of this article for any person other than authorized personnel of the Town of Westfield, or its authorized agents, to collect, pick up, or cause such material to be collected or picked up. Each such collection in violation hereof from one or more residences shall constitute a separate and distinct offense. (G.O. No. 1426, § IV; G.O. No. 1471, § IV.)

Sec. 33-5. Collection and disposal of leaves.

(a) Except as otherwise provided in subsections (c) and (d) of this section, leaves will be collected from the curbsides of property located in the town by the Town of Westfield, or its authorized agents, under the supervision of the town engineer from time to time during the period beginning October 15 of each calendar year, with the exact date of commencement to be fixed annually by the department of public works (the “department”). No leaves shall be placed in any street or public right-of-way located in the town prior to October 15.

(b) It shall be a violation of this section for any person to place leaves in any street or public right-of-way located in the town prior to October 15. Any person who is in violation of this section shall be issued a written warning by the town engineer, or by an authorized agent of the town engineer, following a first offense reminding the person of the requirements and restrictions set forth in this section. Anyone who, after receiving such written warning, places leaves or who causes leaves to be placed in any street or in any public right-of-way located in the town prior to October 15 shall be issued a summons by the town engineer or by an authorized agent of the town engineer and shall be assessed a fine by the municipal court of not more than fifty dollars for each such violation of this section.

(c) In lieu of placing leaves in the streets or in public rights-of-way, town property owners, residents, and occupants of property located within the town may place leaves in paper bags, which will be made available by the department upon request on or about October 3, which date shall coincide with the commencement of the leaf collection program of the town to be fixed annually by the department. The department will pick up leaves placed in such bags upon the request of the town property owner, resident, or occupant notifying the department of same.

(d) No landscaper or other similar service provider employed by any town property owner, resident, or occupant of property located within the town shall dispose of leaves at the Westfield Conservation Center other than in the manner set forth herein. Landscapers

and other similar service providers shall not dispose of leaves at the Westfield Conservation Center that have been collected from any property located outside the Town of Westfield. On or about October 1, the department of public works shall mail to all town property owners, residents, and occupants of property located within the town a Leaf Collection Information Brochure containing a coupon which allows landscapers five trips to the Conservation Center during leaf collection season as established in the brochure. At a minimum, each such disposal permit shall: (1) describe generally the purpose of the permit, (2) list the name and address of the town property owner, resident, or occupant authorized to execute said permit, (3) list the calendar year for which said permit is valid, and (4) include a line for the signature of the person authorized to execute said permit. No landscaper or similar service provider shall be authorized to execute said disposal permit on behalf or in lieu of a town property owner, resident, or occupant.

(e) It shall be a violation of this section for any landscaper or other similar service provider to dispose or attempt to dispose of leaves at the Westfield Conservation Center prior to October 15 without first presenting a duly-executed disposal permit described more fully in subsection (d) hereof. Any landscaper or other similar service provider who is in violation of this section shall be issued a written warning by the town engineer, or by an authorized agent of the town engineer, following a first offense reminding the person of the requirements and restrictions set forth in this section. Any landscaper or other similar service provider who, after receiving such warning, disposes or attempts to dispose of leaves at the Westfield Conservation Center prior to October 15 without first presenting a duly-executed disposal permit described more fully in subsection (d) hereof, shall be issued a summons by the town engineer, or by an authorized agent of the town engineer, and shall be assessed a fine by the municipal court of not more than fifty dollars for each and every such violation of this section.

(f) The town engineer may designate an officer or employee of the town to serve as the enforcement officer, whose duty and responsibility it shall be to enforce the provisions of this section of this chapter as herein provided.

(g) During the months of January, February and March of each year, the Town of Westfield Conservation Center shall be open on alternate Saturdays between the hours of 9:00 A.M. and 3:00 P.M., weather permitting, and shall permit town property owners, residents, and occupants of property located within the town to dispose of leaves and branches from their properties onto the premises of the Town of Westfield Conservation Center.

(G.O. No. 1471, § V; G.O. No 1793, § II, G.O. No. 1855, § II.)

Sec. 33-6. Additional methods of disposal.

Any resident may donate or sell recyclable materials to any person, partnership, corporation or organization whether operating for profit or not for profit. Said person, partnership, corporation or organization may not, under any circumstances, pick up said recyclable materials from the curbside in the Town of Westfield. Any resident may store, compost or mulch leaves generated on the premises on which he resides at that premises. Residents may also transport leaves generated at the premises on which they reside to the Conservation Center if they choose to do so. Such leaves may not be mixed with other material and must not include grass. Such leaves must be deposited in a separate

designated area in the Conservation Center. If the resident transports leaves to the Conservation Center in plastic bags, the plastic bags must be removed when the leaves are deposited. Any resident depositing leaves at the Conservation Center will be required to have a decal permit on his vehicle to allow entry to the center and will be required to pay the usual disposal fee for the disposing of such vegetative waste at the Center. (G.O. No. 1426, § V; G.O. No. 1471, § VI.)

Sec. 33-7. Private organizations quarterly reports.

Any private organizations collecting recyclable materials as set forth in this article shall provide the Town of Westfield with timely reports as to the volume of material (tonnage) collected by such organization. These reports will be utilized by the Town of Westfield in qualifying for credits to the Town of Westfield which may be utilized by the State of New Jersey pursuant to any statutes or administrative rules and regulations. (G.O. No. 1426, § VI; G.O. No. 1471, § VII.)

Sec. 33-7A. Violations and penalties.

It shall be a violation of this article for any person, firm, corporation, or organization providing solid waste collection services for residential premises in the Town of Westfield to collect said waste containing recyclable materials as designated in this article.

Any person, firm, corporation or organization who violates or neglects to comply with any provision of this article or any regulation promulgated hereunder shall, upon conviction thereof, be punishable by a fine of not less than twenty-five dollars and not more than five hundred dollars, except that the maximum fine for failure to comply with section 33-3 hereof shall be not more than fifty dollars. (G.O. No. 1426, § VII; G.O. No. 1471, § VIII; G.O. No. 1536, § I.)

Sec. 33-7B. Enforcement and enforcement agency.

The recycling coordinator, the police department, and the department of health are authorized to enforce this article and all regulations promulgated hereunder.

The recycling coordinator is authorized and directed to inspect the vehicles and contents of each solid waste hauler servicing residential properties in the Town of Westfield for compliance with this article on a yearly or more frequent basis. The recycling coordinator, police department and department of health are authorized to inspect solid waste generated by residential properties for violation of this article. The recycling coordinator shall be appointed by the town administrator and shall be a full-time town employee. Such employee may have other regular duties. (G.O. No. 1536, § II.)

Article II. Mandatory Separation Program for Nonresidential Premises.

Sec. 33-8. Separation program established.

There is hereby established a program for the separation by the occupant of nonresidential premises, including but not limited to, office, commercial, industrial or institutional premises, and the separate disposal of the following material from such premises within the Town of Westfield for recycling purposes.

(1) Uncontaminated, clean corrugated/cardboard paper products (non-food containers.)

(2) High-quality office paper including computer printer and white ledger.

(3) Glass containers and aluminum and steel cans (in food service establishments, including, but not limited to, taverns and restaurants.)

(4) Newspapers.

(5) Mixed paper.

(6) Polyethylene terephthalate (PET or PETE) bottles and high density polyethylene (HDPE) bottles.

(7) Vehicle batteries.

(8) Used motor oil.

(9) Uncontaminated food waste in all institutional, commercial, and industrial facilities serving five hundred or more meals per day and major food processors.

(10) Uncontaminated roofing material.

It shall be unlawful for any occupant of a nonresidential premises in the Town of Westfield to dispose of the aforesaid materials, except by the methods provided herein for recycling such material by the Town of Westfield or a private person or organization. It shall be a violation of this article to include any of the aforesaid materials in the solid waste collected by the private disposal services regulated by the State of New Jersey and contracted to collect waste from nonresidential premises within the Town of Westfield. (G.O. No. 1458, § I; G.O. No. 1594, § IV.)

Sec. 33-9. Regulations authorized.

The town engineer is hereby designated as the recycling coordinator and authorized and directed to establish and promulgate regulations as to the manner, days and times for delivering such materials to the recycling collection point or points located in the Town of Westfield and established for such purpose and as to the bundling and handling of such materials, the separation of recyclable materials from nonresidential solid waste and preparation for recycling. (G.O. No. 1458, § II; G.O. No. 1594, § V.)

Sec. 33-10. Separation of recyclable materials from solid waste and purposes for recycling.

The materials described above shall be clean and shall be kept separate from, and not mixed with, trash and other solid waste. Such materials shall be considered clean and uncontaminated if they have not been exposed to substances or conditions rendering them unusable for recycling. It shall be the legal responsibility of the occupant of

nonresidential premises to deliver such recyclable materials to the collection location established by the Town of Westfield by regulation or set by the curb for pickup as the regulation may require. Recyclable materials shall be prepared for recycling as set forth in Section 33-3 for residential recycling. The materials not referenced there shall be handled by regulation. (G.O. No. 1458, § III; G.O. No. 1594, § VI.)

Sec. 33-11. Ownership of recycled materials.

From the time of placement of recyclable material at any collection location authorized pursuant to the program established hereby and in rules and regulations issued hereunder, such materials shall become and be the property of the Town of Westfield and it shall be a violation of this article for any person other than the authorized personnel of the Town of Westfield to dispose of such materials. (G.O. No. 1458, § IV.)

Sec. 33-12. Additional methods of disposal.

Any occupant of nonresidential premises may donate, or sell, recyclable materials to any person, partnership, corporation or organization whether operating for profit or not for profit. Said person, partnership, corporation or organization may not, under any circumstances, pick up said recyclable materials from the curbside in the Town of Westfield. (G.O. No. 1458, § V.)

Sec. 33-13. Private organizations quarterly reports.

Any private organizations collecting recyclable material as set forth in this article shall provide the Town of Westfield with timely reports as to the volume of materials (tonnage) collected by such organization. These reports will be utilized by the Town of Westfield in qualifying for credits to the Town of Westfield which may be authorized by the State of New Jersey pursuant to any statutes or administrative rules and regulations. (G.O. No. 1458, § VI.)

Sec. 33-14. Violations and penalties.

It shall be a violation of this article for any person, firm, corporation, or organization providing solid waste collection services for nonresidential premises in the Town of Westfield to collect solid waste containing recyclable materials as designated in this article.

Any person, firm, corporation, or organization who violates or neglects to comply with any provision of this article or any regulation promulgated hereunder, shall, upon conviction thereof, be punishable by a fine of not less than twenty-five dollars and not more than five hundred dollars except that the maximum fine for failure to comply with section 33-10 hereof shall be not more than fifty dollars. (G.O. No. 1458, § VIII; G.O. No. 1536, § III.)

Sec. 33-15. Enforcement and enforcement agency.

The recycling coordinator, the police department, and the department of health re authorized to enforce this article and all regulations promulgated hereunder.

The recycling coordinator is authorized and directed to inspect the vehicles and contents of each solid waste hauler serving nonresidential properties in the Town of Westfield for compliance with this article on a yearly or more frequent basis. The recycling coordinator, police department and department of health are authorized to inspect solid waste generated by nonresidential properties for violation of this article. The recycling coordinator shall be appointed by the town administrator and shall be a full-time town employee. Such employee may have other regular duties. (G.O. No. 1536, § IV.)

Article IIA. Recycling Documentation and Permits.

Sec. 33-15.1. Recycling documentation.

All government, commercial, institutional and industrial facilities shall provide the Town of Westfield with documentation for all mandated materials plus any materials recycled which have not been mandated. Such documentation shall include information of the following:

- (1) Type of material recycled;
- (2) Location where materials were marketed or disposed of;
- (3) Weight of material; and
- (4) Name of the transporter(s) used.

Nonresidential waste generators shall report in accordance with the following schedule:

<i>Reporting Period</i>	<i>Date</i>
January 1, 1992 to June 30, 1992	July 31, 1992
July 1, 1192 to December 31, 1992	January 31, 1993

<i>Reporting Period</i>	<i>Date</i>
All periods after December 31, 1992:	
January 1 to March 31	April 30
April 1 to June 30	July 31
July 1 to September 30	October 31
October 1 to December 31	January 31

Solid waste hauling companies, recyclables collection companies, and demolition companies operating within the Town of Westfield and commercial recycling facilities, including metal and automobile scrap yards located within the Town of Westfield, shall submit documentation of recycling activity performed on behalf of residents, businesses, institutions and governments in the Town of Westfield in accordance with the above schedule. (G.O. No. 1594, § VII.)

Sec. 33-15.2. Waste generation – disposition permit.

Construction, demolition and road opening permits shall include information on the types of materials which will be generated, which will require recycling or disposal. Documentation of recycling or disposal shall be submitted to the permitting agency prior to approval of final inspection. Documentation shall be submitted by the permitting office to the town recycling coordinator in accordance with the above schedule. (G.O. No. 1594, § VII.)

Article III. Brush, Weeds, Debris and Garbage on Private Property.

Sec. 33-16. Garbage, debris, etc. removal required.

Where it shall be necessary and expedient for the preservation of the public health, safety, general welfare, or fire safety, as certified to the town attorney by the appropriate town officials or officers after an inspection of the premises, the town attorney may give notice, by certified and regular mail to the owner, as shown in the tax collector's records of the town, and/or the tenant of lands lying within the limits of the Town of Westfield, requiring such person, within ten days, to remove from such premises and/or to destroy, brush, weeds (including ragweed), dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash, and debris as permitted by N.J.S.A. 40:48-2.13. (G.O. No. 1534, § I.)

Sec. 33-17. To whom notice is given.

Where the owner or tenant is a natural person but not legally competent, notice shall be given to the executor, administrator, guardian, or other legal representative of that person. Where the owner or tenant is not a natural person, notice shall be given to any officer of the corporation, or its registered agent, if such is the owner or tenant, or in the case of partnership to any partner, if such is the owner of tenant. (G.O. No. 1534, § I.)

Sec. 33-18. Removal of material by town.

Where the owner or tenant has not complied with such a request within ten days of receiving the notice, the town engineer or persons under his direction may enter the premises, and may remove from such premises and/or destroy any materials specified in the notice. The town engineer shall decide whether the materials will be destroyed and his decision shall be final. (G.O. No. 1534, § I.)

Sec. 33-19. Certification to the council.

After the town engineer or persons under his direction have removed and/or destroyed any materials pursuant to the foregoing provisions, the town engineer shall prepare a certification for the town council. Such certification shall state the nature and the approximate weight of the materials removed and/or destroyed, shall state that notice to remove and/or destroy the materials was given based on a certification by the appropriate

town officials, but was not carried out by the owner or tenant, and shall state the itemized costs of destruction and/or removal. Such costs include labor cost and out-of-pocket cost. Attached to such certification shall be a copy of the notice to the owner or tenant, including the certification of the appropriate town official as to the public need to be served by such removal, and a receipt or receipts for any out-of-pocket cost, if any. (G.O. No. 1534, § I.)

Sec. 33-20. Lien for payment.

The town council shall examine such certification prepared by the town engineer. If the town council finds the certification to be correct, the town council may vote by resolution to cause the costs as shown thereon to be charged against said lands as provided by N.J.S.A. 40:48-2.14. The amount so charged shall be forwarded to the tax collector forthwith and become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes. (G.O. No. 1534, § I.)

Article IV. Litter.

Sec. 33-21. Littering prohibited.

It shall be unlawful for any person to throw, drop, discard, or otherwise place litter of any nature upon any public or private property, other than a litter receptacle.

Litter as used in this article means any used or unconsumed substance or waste material which has been discarded whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof including, but not limited to, any bottle, jar or can, or any top, cap, or detachable tab of any bottle, jar, or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other glass, metal, plastic or paper containers or other packaging or construction material but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing. (G.O. No. 1541, § I.)

Sec. 33-22. Illegal dumping.

It shall be unlawful for any person to discard or dump along any street or road, on or off any right-of-way, any household or commercial solid waste, rubbish, refuse, junk, vehicle or vehicle parts, rubber tires, appliances, furniture, or personal property, except by written consent of the owner of said property, in any place not specifically designated for the purpose of solid waste storage or disposal. (G.O. No. 1541, § I.)

Sec. 33-23. Use of litter receptacles.

Litter receptacles and their servicing are required at the following public places which exist in the municipality, including: sidewalks used by pedestrians in active retail

commercially zoned areas, such that at a minimum there shall be no single linear tenth-mile without a receptacle, buildings held out for use by the public, including schools, government buildings, and railroad and bus stations; parks; drive-in restaurants; all street vendor locations; self-service refreshment areas; construction sites; gasoline service station islands; shopping centers; parking lots; campgrounds and trailer parks; and at special events to which the public is invited, including sporting events, parades, carnivals, circuses, and festivals. The proprietors of these places or the sponsors of these events shall be responsible for providing and servicing the receptacles such that adequate containerization is available.

Litter receptacle means a container suitable for the depositing of litter. (G.O. No. 1541, § I.)

Sec. 33-24. Containerization of sweepings.

No person shall sweep into or deposit in any gutter, street, catch basin or other public place any accumulation of litter from any public or private sidewalk or driveway. Every person who owns or occupies property shall keep the sidewalk in front of his or her premises free of litter. All litter sweepings shall be collected and properly containerized for disposal. (G.O. No. 1541, § I.)

Sec. 33-25. Open or overflowing waste disposal bins.

It shall be unlawful for any residential or commercial property owner to permit open or overflowing waste disposal bins on his or her property. (G.O. No. 1541, § I.)

Sec. 33-26. Uncovered vehicles.

It shall be unlawful for any vehicle to be driven, moved, stopped or parked, on any public roadway unless such a vehicle is constructed, covered or loaded to prevent any of its land from dropping, sifting, leaking or otherwise escaping therefrom. Any person operating a vehicle from which materials which constitute litter have fallen or escaped, which could cause an obstruction, damage a vehicle, or otherwise endanger travelers or public property, shall immediately cause the public property to be cleaned of all such materials and shall pay the costs therefor. (G.O. No. 1541, § I.)

Sec. 33-27. Construction sites.

It shall be unlawful for any owner, agent, or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during or immediately following completion of any construction or demolition project. It shall be the duty of the owner, agent, or contractor in charge of a construction site to furnish containers adequate to accommodate flyable or non-flyable debris or trash at areas convenient to construction areas, and to maintain and empty the receptacles in such a manner and with such a frequency as to prevent spillage of refuse. (G.O. No. 1541, § I.)

Sec. 33-28. Commercial establishments and residences.

It shall be the duty of the owner, lessee, tenant, occupant or person in charge of any structure to keep and cause to be kept the sidewalk and curb abutting the building or structure free from obstruction or nuisances of every kind, and to keep sidewalks, areaways, backyards, courts and alleys free from litter. (G.O. No. 1541, § I.)

Sec. 33-29. Distribution of handbills.

It shall be unlawful for any person to place, to cause to be placed, or to hire another person to place any advertisement, handbill or unsolicited material of any kind in or on any street, sidewalk, building or vehicle within the community in such manner that it may be removed by natural forces. (G.O. No. 1541, § I.)

Sec. 33-30. Violation.

In the event that the owner or possessor of private property or lands shall refuse or neglect to abate or remedy the condition which constitutes a violation of this article, the municipality may cause the condition to be abated and remedied as provided in article III of this chapter. Upon the removal of any materials prohibited to be stored or abandoned on lands by this article by or under the direction of an appointed officer or officers of this jurisdiction, in cases where the owner or tenant shall have refused or neglected to remove the materials within ten days of receiving a notice of violation, such officer shall certify the cost thereof to the municipality, which shall examine the certificate, and if found correct shall cause the cost as shown thereon to be charged against said lands and will be added to and become and form part of the taxes next to be assessed and levied upon said lands. The fines shall bear interest at the same rate as taxes and shall be collected and enforced by the same officers and in the same manner as taxes.

In addition to the action described aforesaid and not in substitute thereof, any person, firm, corporation or organization who violates or neglects to comply with any provision of this article shall upon conviction thereof, be punishable by a fine not to exceed one hundred dollars. (G.O. No. 1541, § I.)

Article V. Method of Solid Waste Disposal and Proof of Collection Service.

Sec. 33-31. Definitions.

The following definitions shall apply to this article:

(a) *Proof of collection service* shall mean a written record, log, bill, or document evidencing receipt of service for the collection of solid waste for the preceding month from a person lawfully engaging in private solid waste collection services within the Town of Westfield.

(b) *Regular solid waste collection service* shall mean the scheduled pick-up and removal of solid waste from residential, commercial, or institutional premises located within the Town of Westfield at least once per week.

(c) *Responsible solid waste generator* shall mean any property owner, tenant, or occupant of any single-family residential dwelling, or the owner of any commercial or institutional building or structure located within the Town of Westfield, who generates solid waste at those premises.

(d) *Solid waste* shall mean garbage, refuse, and other discarded materials resulting from industrial, commercial and agricultural operations, and from domestic and community activities, and shall include all other waste materials including liquids, except for solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms.

(e) *Solid waste collection* shall mean the activity related to pick-up and transportation of solid waste from its source or location to a solid waste facility or other destination.

(f) *Solid waste container* shall mean a receptacle, container or bag suitable for the depositing of solid waste.

(g) *Solid waste disposal* shall mean the storage, treatment, utilization, processing, or final disposal of solid waste.

(h) *Solid waste facilities* shall mean the plants, structures, and other real and personal property acquired, constructed, and operated, or to be acquired, constructed, and operated by any person pursuant to the provisions of State law, including transfer stations, incinerators, resource recovery facilities, sanitary landfill facilities, or other plants for the disposal of solid waste, and all vehicles, equipment, and other real and personal property, and rights therein and appurtenances thereto, necessary, useful, and convenient for the collection or disposal of solid waste in a sanitary manner.

(G.O. No. 1568, § I.)

Sec. 33-32. Single-family residential housing.

In the case of single-family residential housing, each responsible solid waste generator, if he has not already done so, shall enter into a contract for regular solid waste collection services with any person lawfully providing private solid waste collection services within the Town of Westfield. (G.O. No. 1568, § I.)

Sec. 33-33. Multi-family residential housing.

In the case of multi-family residential housing, each responsible solid waste generator, if he has not already done so, shall enter into a contract for regular solid waste collection service with any person lawfully providing private solid waste collection services within the Town of Westfield. It shall be the responsibility of the owner of the multiple dwelling to provide a sufficient number of appropriate solid waste containers for the deposit of non-recyclable waste materials to be disposed of as solid waste. (G.O. No. 1568, § I.)

Sec. 33-34. Commercial and industrial premises.

In the case of any commercial or institutional building or structure located within the Town of Westfield, each responsible solid waste generator, if he has not already done so, shall enter into a contract for regular solid waste collection service with any person lawfully providing private solid waste collection services within the Town of Westfield. (G.O. No. 1568, § I.)

Sec. 33-35. Notice to responsible solid waste generators.

Within six months of the effective date of this article, and at least once every six months thereafter, the municipal government shall notify all responsible solid waste generators in the Town of Westfield of the requirements of this article, such notice may be by mail, by newspaper notice, by posted notice, or by including same with other official notifications periodically mailed to taxpayers or homeowners, or by any combination thereof as the town deems necessary and appropriate.

Sec. 33-36. Opportunity to contract for services.

The town council may request every solid waste collector engaging in private solid waste collection services within the Town of Westfield who is registered pursuant to Sections 4 and 5 of P.L. 1970, c. 39 (C.13:1E-4 and 13:1E-5) and holds a certificate of public convenience and necessity pursuant to Sections 7 and 10 of P.L. 1970, c. 40 (C.48:13A-6 and 48:13A-9) to provide all responsible solid waste generators with the opportunity to contract for, on an individual basis, regular solid waste collection services. (G.O. No. 1568, § I.)

Sec. 33-37. Notices to board of public utilities.

Wherever the town council shall make a request that a solid waste collector provide all responsible solid waste generators in the Town of Westfield with the opportunity to contract for regular solid waste collection services pursuant to this article, the town council shall forthwith notify the board of public utilities of such action by certified mail. In the event that a solid waste collector refuses any request to provide responsible solid waste generators with the opportunity to contract for regular solid waste collection services pursuant to this article, the town council shall forthwith notify the board of public utilities of such refusal by certified mail. (G.O. No. 1568, § I.)

Sec. 33-38. Violations.

The health official, by regular mail, may at any time request proof of collection service from any responsible solid waste generator in the Town of Westfield. Failure to provide proof of service within ten days of receipt of such written request shall be a violation by the responsible solid waste generator of this article. (G.O. No. 1568, § I.)

Sec. 33-39. Penalties.

The court may impose a fine for a violation in an amount not more than two hundred dollars for each day that the proof of collection service remains outstanding after ten days of the receipt of the written request. (G.O. No. 1568, § I.)

Article VI. Hazardous Waste

Sec. 33-40. Authority.

This article is enacted pursuant to N.J.S.A. 58:10-23.11 et seq. as amended, N.J.S.A. 13:1K-6 et seq. as amended and other Federal and State laws relating to public health, local emergency management, clean air and water. (G.O. No. 1574, § II.)

Sec. 33-41. Definitions.

The following definitions shall apply to this article:

(a) *Hazardous materials* shall mean any materials, solid, liquid or gas, listed as such under the N.F.P.A. Guide of Hazardous Materials, the Department of Transportation Guide Book, the list of hazardous substances adopted by the Federal Environmental Protection Agency (EPA) pursuant to Section 311 of the Federal Water Pollution Control Act Amendment of 1972, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq.), the list of toxic pollutants designated by Congress or the EPA, pursuant to Section 307 of the Federal Water Pollution Control Act, any hazardous waste as defined or listed under the New Jersey Hazardous Waste Regulations at N.J.A.C. 7:26-1, 4, 7-13A, 16, 16A, 17, and any hospital or medical waste, including but not limited to, syringes, bandages and discarded pharmaceutical products.

(b) *Vehicle* shall mean any motorized equipment, registered or unregistered, including, but not limited to, a passenger car, motorcycle, truck, tractor trailer, construction equipment, farm machinery, watercraft, aircraft or trains.

(c) *Vessel* shall mean any container, drum, box, cylinder or tank used to hold, contain, carry or store any hazardous materials, whether or not said container was manufactured for the containment of hazardous materials.

(d) *Discharge* shall mean any intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of hazardous materials into the air, onto the ground, or into any body of water or water resource, including groundwaters, within the Town of Westfield.

(e) *Expendable items* shall mean any items used to extinguish or prevent any hazardous material fire, or stop or contain any leak, release or spill involving any hazardous materials, which cannot be reused or cannot be replenished without cost after that particular incident. These expendable items include, but are not limited to, fire fighting foam, chemical extinguishing agents, sampling equipment, or supplies, absorbent and adsorbent materials, sand, recovery drums, and any protective equipment and clothing to include, but not restricted to, chemical protective suits, chemical protective gloves, goggles, and any other item owned or controlled by the Town of Westfield, its agents and/or officials.

(f) *Collecting agency* shall mean and be the Town of Westfield or its designated agent.
(G.O. No. 1574, § II.)

Sec. 33-42. Purpose.

This article provides for the reimbursement for, or the replacement of, any and all equipment utilized by the Town of Westfield, for costs expended, without regard to ownership, for the purpose of investigating, analyzing, mitigating, controlling, or containing any incident in which a hazardous material is involved in a fire, leak, release or spill, or where the potential thereof exists, or for the prevention of same.

This article also provides for the reimbursement for the expenses incurred by the Town of Westfield, its agents and participating member municipalities, for the wages (regular or overtime) paid to its employees, agents, officials or servants as a result of incidents involving a hazardous material, fire, leak, release, or spill of a hazardous material and for the costs of medical and hospital treatment for injuries incurred by agents, servants and employees.

This article mandates reimbursement to the Town of Westfield for any equipment or expendable items used by any of its employees, agents, servants, officers or officials, in extinguishing any hazardous material fire, stopping or containing or controlling or mitigating any spill, release or leak of any hazardous material. (G.O. No. 1574, § II.)

Sec. 33-43. Hazardous substances, discharge, prohibition.

(a) The discharge of hazardous substances is prohibited. This section shall not apply to discharge of hazardous substances pursuant to and in compliance with the conditions of a county, federal or state permit.

(b) Any person who may be subject to liability for a discharge, or becomes aware of a discharge which occurred prior to or after the effective date of this article shall immediately notify the New Jersey Department of Environmental Protection Environmental Hotline at (609) 292-7172.

(c) Whenever any hazardous substance is discharged, the Town of Westfield, may in its discretion, act to remove or arrange for the removal of the discharge.

(d) Any person who has discharged a hazardous substance or in any way is responsible for any discharge of a hazardous material which has been or shall be removed by the Town of Westfield or its agent, shall be strictly liable, jointly and severally, without regard to fault, for any and all expenses incurred in conducting the investigation, cleanup and removal and disposal costs and shall be liable for the wages (regular and overtime) paid and the costs of medical and hospital treatment for injuries incurred by the agents, servants and employees of the Town of Westfield. (G.O. No. 1574, § II.)

Sec. 33-44. Parties responsible.

Reimbursement of the Town of Westfield for expendable items used shall be made by the owner or operator of the vehicle responsible for the hazardous material, fire, leak or spill of hazardous material; the owner or person responsible for the vessel containing the

hazardous material involved in such a fire, leak or spill on public or private property, whether stationary or in transit and whether accidental or through negligence; the owner or person responsible for any property from which any leak or spill of hazardous material emanates, whether accidental or through negligence and the person responsible for the hazardous material fire, leak, spill or release or hazardous material on public or private property, whether accidental or through negligence. (G.O. No. 1574, § II.)

Sec. 33-45. Reimbursement for services of recovery company, towing company or technical assistance.

Any person causing any hazardous material fire, leak, spill or release involving a hazardous material must provide reimbursement for services rendered by any recovery company, towing company or any other technical assistance called for by the Town of Westfield to handle such incident. In the event of a vehicle having been responsible for an incident, such vehicle shall be impounded until such a time as it has been deemed safe to proceed by the incident commander and until such time as arrangements have been made to reimburse the Town of Westfield, its agents, and/or the towing company for their expenditures under the terms of this article. (G.O. No. 1574, § II.)

Sec. 33-46. Period of payment.

The person or entity responsible for any fire, leak or spill of hazardous materials shall reimburse the Town of Westfield the full price of expendable items and costs to extinguish such fire, or to stop or investigate and contain such leak, or to control such spill, within forty-five days after receipt of a bill therefor. The collecting agency shall utilize its best efforts to collect costs hereunder and shall reimburse its agents of amounts collected. The collecting agency shall be entitled to interest costs and responsible attorney's fees from the responsible party if legal action is required to obtain reimbursement. Interest shall be at the rate provided for judgments and shall commence as of the time the bill is rendered. In the event that the release of hazardous materials occurs on private property and notwithstanding that a portion of or all of the costs as aforesaid are expended on public property or other private property, the collecting agency shall have a lien against the real property from which the release of the hazardous materials occurred for payment of the costs referred to herein. Such lien shall be established in accordance with the procedures set forth in sections 33-13 and 33-14 of this chapter. In the event that the collecting agency is not able to collect said costs or only a portion thereof, the collecting agency shall not be responsible to its agents for the full amount of same. (G.O. No. 1574, § II.)

Sec. 33-47. Penalties.

The person or entity responsible for any fire, leak or spill of hazardous materials who fails to reimburse the Town of Westfield within the time required, shall be subject to a fine of not less than fifty dollars or more than five hundred dollars per day.

The violation of any section or subsection of this article shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or any order issued pursuant to this article. (G.O. No. 1574, § II.)

Sec. 33-48. Implementation, construction, separability.

This article is to be liberally construed to effectuate the purposes herein described. Nothing herein is to be construed as repealing or abridging the emergency powers of any agency or government except to the extent expressly set forth herein.

Nothing in this article shall prohibit the Town of Westfield from obtaining reimbursement under any county, state or federal program, rule or statute.

Notwithstanding the fact that the Town of Westfield has the right to levy penalties as set forth in section 33-47, the Town of Westfield reserves to itself all rights and remedies entitled to it under statutory and common law to take whatever steps are necessary to obtain reimbursement. (G.O. No. 1574, § II.)

**Article VII. Regulation of Collection
of Solid Waste and Recyclable Materials.**

Sec. 33-49. Hours during which solid waste and recyclable material may be collected by licensed solid waste and recyclable material collectors within the Town of Westfield.

Solid waste and recyclable material may only be collected within the Town of Westfield by licensed solid waste and recyclable material collectors and only between the hours of 6:00 A.M. and 7:00 P.M. prevailing time, Monday through Saturday, except that solid waste and recyclable material may be collected between 4:00 A.M. and 7:00 P.M., Monday through Saturday, prevailing time, from property located within the Central Business District zone, the GB-1, GB-2 and GB-3 General Business District zones, the C Commercial District zone, the O-1 and O-2 Office District zones, and the O-3 Office - Research District zone, as well as from property owned by the board of education and property abutting the following streets and roadways:

- (a) Central Avenue
- (b) East Broad Street
- (c) Mountain Avenue
- (d) North Avenue
- (e) South Avenue
- (f) West Broad Street
- (g) Lamberts Mill Road
- (h) Rahway Avenue
- (i) Clark Street from North Avenue to Tuttle Parkway
- (j) Springfield Avenue

These restrictions shall not apply during any two-day period prior to predicted severe weather such as a snowstorm or hurricane and shall also not apply for a period of four days after such severe weather events occur. These restrictions shall also not apply during

periods of labor disputes or strikes involving the garbage collection systems or for a period of two days prior to, or after, a national holiday.

The term "solid waste" as used in this article is hereby defined in the same manner as the term "solid waste" is defined in N.J.S.A. 13:1E-3(a). The term "recyclable material" as used in this article shall mean those recyclable materials subject to the Town of Westfield's mandatory recycling program described more fully in Chapter 33 of the Westfield Town Code. (G.O. No. 1617, § I; G.O. No. 1790, § I.)